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S/N 10/848,756

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Nishiuchi et al	Examiner:	G. Patel
Serial No.:	10/848,756	Group Art Unit:	2655
Filed:	May 19, 2004	Docket No.:	10873.0647USC1
Title:	OPTICAL INFORMATION RECORDING MEDIUM, METHOD OF MANUFACTURING THEREOF, AND METHOD OF RECORDING AND REPRODUCTION		

CERTIFICATE UNDER 37 CFR 1.6(d):

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on July 7, 2006.

By: Carrie Vanderlinde  
Name: Carrie Vanderlinde

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE

Dear Sir:

In response to the Office Action mailed March 10, 2006, favorable reconsideration of this application is requested in view of the following remarks.

Applicants note that the foreign patent documents listed on the IDS filed May 19, 2004 were not considered. Applicants believe copies are available to the Examiner in the parent file. However, copies are provided herewith for the Examiner's convenience. Consideration is requested.

Claims 1, 2, 4, 6, 12, and 24 were rejected as being unpatentable over Choi (US 5,428,597) in view of Satoh (US 5,428,597). Applicants traverse this rejection. The rejection relies on Satoh to teach a information layer with a sector structure including a sector address and

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However, Satoh teaches tracks of different layers that are not required to be shifted against one another by half the track pitch (see column 5, lines 68 to column 6, line 2). Therefore, ID<sub>L1</sub>, ID<sub>L2</sub>, and ID<sub>L3</sub> (shown in Figure 8) may coincide in both the circumferential direction and the radial direction. However, ID<sub>L1</sub>, ID<sub>L2</sub>, and ID<sub>L3</sub> cannot be considered sector addresses, but rather identification sections for identifying the recording layer. ID<sub>L1</sub>, ID<sub>L2</sub>, and ID<sub>L3</sub> indicate the first layer (7a), the second layer (7b), and the third layer (7c), respectively. See column 5, lines 49-51 where Satoh discusses that the identification section ID<sub>L3</sub> is read out to confirm that the light beam is focused on the layer (7c). The element taught by Satoh better corresponds to the claimed sector address required by claim 1 is the track/sector identification section ID<sub>TS</sub> by which tracks and sectors are identified. Only the recording layer (7c) has the track/sector identification section ID<sub>TS</sub> (see Figure 8). Therefore, the reference does not teach the configuration required by claims 1 and 4 that positions of the sector addresses of the respective information layers coincide in both the circumferential direction and a radial direction.

Further, the combination of Choi and Satoh does not teach a sector position identifier that is located at a radial position other than the data area and the sector address in each information layer to identify the position of each information layer in the circumferential direction, and positions of the sector addresses of the respective information layer coincide in the circumferential direction, as required by claim 4. Since Choi does not suggest a sector structure, the reference cannot be considered to teach a sector position identifier. Satoh teaches fixing two substrates with an adhesive (spacer 5), but does not explicitly describe how the sector position coincide. Therefore, Satoh cannot be considered to teach a sector position identifier.

Regarding claim 12, since Choi does not suggest a sector structure, the reference cannot be considered to teach a sector address comprising a recording mark formed by irradiation of light beams. The sector address taught by Satoh is formed by a pit construction (e.g. a concave-convex construction). See column 5, line 26. Therefore Satoh cannot be considered to teach a sector address comprising a recording mark formed by irradiation of light beams, as required by claim 12.

Favorable reconsideration of claims 1, 2, 4, 6, 12, and 24 is requested.

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In view of the above, favorable reconsideration in the form of a notice of allowance is requested. Any questions regarding this communication can be directed to the undersigned attorney, Douglas P. Mueller, Reg. No. 30,300, at (612)455-3804.

Respectfully Submitted,



Douglas P. Mueller  
Reg. No.: 30,300  
Hamre, Schumann, Mueller & Larson, P.C.  
225 South Sixth Street  
Suite 2650  
Minneapolis, MN 55402  
612.455.3800

Dated: July 7, 2006



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